

Jesse Matthews, Jr.  
45 Glenbrook Avenue  
Waterbury, CT 06705-1719

**STATE OF CONNECTICUT  
BOARD OF EXAMINERS FOR NURSING**

State of Connecticut  
Department of Public Health

vs.

Jesse Matthews, Jr., RN  
Registered Nurse License No. E53219  
Respondent.

CASE PETITION NO. 980728-010-056

MEMORANDUM OF DECISION

***Procedural Background***

The Board of Examiners for Nursing (hereinafter "the Board") was presented by the Department of Public Health (hereinafter "the Department") with a Statement of Charges and Motion for Summary Suspension dated October 20, 1998 (Dept. Exh. 1). The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Jesse Matthews, Jr., R.N. (hereinafter "respondent") which would subject respondent's Registered Nurse license to disciplinary action pursuant to the General Statutes of Connecticut.

Based on the allegations in the Statement of Charges and accompanying affidavits and reports, the Board found that the continued nursing practice of respondent presented a clear and immediate danger to public health and safety. On October 21, 1998, the Board ordered, pursuant to its authority under §4-182(c) and §19a-17(c) of the General Statutes of Connecticut, that the Registered Nurse license of respondent be summarily suspended pending a final determination by the Board of the allegations contained in the Statement of Charges Dept. Exh. 1.

The Board issued a Notice of Hearing dated October 21, 1998, scheduling a hearing for November 4, 1998 Dept. Exh. 1.

Respondent was provided notice of the hearing and charges against him. Department Exhibit 1 indicates that the Notice of Hearing and Statement of Charges were delivered by Deputy Sheriff to respondent on October 27, 1998.

The hearing took place on November 4, 1998, in Room 2-A, Legislative Office Building, Capitol Avenue, Hartford, Connecticut.

Respondent was present during the hearing but was not represented by counsel. Respondent was given an opportunity for a continuance to obtain representation. Respondent declined this opportunity and requested that the hearing go forward. Tr., November 4, 1998, pp. 1-2, 4.

Respondent verbally answered the Statement of Charges during the hearing on November 4, 1998. Tr., November 4, 1998, pp. 7-9.

Each member of the Board involved in this decision attests that he/she was present at the hearing or has reviewed the record, and that this decision is based entirely on the record, the law, and the Board's specialized professional knowledge in evaluating the evidence.

#### *Findings of Fact*

Based on the testimony given and the exhibits offered into evidence, the Board makes the following Findings of Fact:

1. Respondent was issued Registered Nurse License Number E53219 on September 6, 1990. Respondent was the holder of said license at all times referenced in the Statement of Charges. Dept. Exh. 1-3; Tr., November 4, 1998, p. 8.
2. Beginning on or about June 2, 1998, respondent was employed as a registered nurse on the Intensive Care Unit at St. Francis Hospital and Medical Center, Hartford, Connecticut. Dept. Exh. 1-1; Tr., November 4, 1998, p. 8.
3. On or about June 2, 1998, while working as a registered nurse at St. Francis Hospital and Medical Center at some time after 7:00 p.m., respondent's nursing supervisor asked respondent to submit to a test for drugs and/or alcohol based on an odor of alcohol on respondent's breath. Dept. Exh. 1-C2; Tr., November 4, 1998, p. 8.
4. The results of the blood test indicated a blood alcohol content (BAC) of 0.114. Dept. Exh. 1-C2; Tr., November 4, 1998, p. 9.
5. Respondent's employment at St. Francis Hospital and Medical Center was suspended from June 2, 1998 to September 7, 1998. Dept. Exh. 1-2.
6. On September 4, 1998, respondent entered into a return to work agreement with St. Francis Hospital and Medical Center which required respondent to submit to random alcohol/drug screening. Dept. Exh. 1-C, p.13-14.

7. On or about October 7, 1998, while on duty at St. Francis Hospital and Medical Center, respondent submitted to a random test for drugs and/or alcohol. The results of said test indicate a BAC of 0.012. Dept. Exh. 2; Tr., November 4, 1998, p. 9.
8. Respondent engaged an outpatient day treatment program at the BlueRidge Treatment Program from June 7, 1998 to July 21, 1998. Respondent was discharged from the program due to his denial of abusing alcohol. Dept. Exh. 1-1.
9. In or about August 1998, the Employee Assistance Program at St. Francis Hospital and Medical Center referred respondent to a psychologist for assessment and treatment. The evaluating psychologist diagnosed respondent as abusing alcohol with likely features of dependence and is of the opinion respondent is not motivated to address his alcohol abuse problems. Tr., November 4, 1998, pp. 38-59.

### *Conclusions of Law and Discussion*

In consideration of the above Findings of Fact, the following conclusions are rendered:

Jesse Matthews, Jr. held a valid Registered Nurse license in the State of Connecticut at all times referenced in the Statement of Charges.

The Notice of Hearing and Statement of Charges sufficiently provided legal notice as mandated by the General Statutes of Connecticut §4-177(a) and (b), and §4-182(c). The hearing was held in accordance with Chapters 54 and 368a of the General Statutes of Connecticut as well as §19a-9-1 through §19a-9-29 of the Regulations of Connecticut State Agencies.

The Notice of Hearing, Statement of Charges and the hearing process provided respondent with the opportunity to demonstrate compliance with all lawful requirements for the retention of his license as required by the General Statutes of Connecticut §4-182(c).

The Department bears the burden of proof by a preponderance of the evidence in this matter.

PARAGRAPHS 2, 3 and 4 of the Statement of Charges allege that on or about June 2, 1998, respondent was working as a registered nurse on the Intensive Care Unit at St. Francis Hospital and Medical Center in Hartford, Connecticut. At some time after 7 p.m. respondent's nursing supervisor asked respondent to submit to a test for drugs and/or alcohol based on an odor of alcohol. The results of said test indicated that respondent had a blood alcohol content (BAC) of 0.114.

The Respondent admitted these charges. Tr., November 4, 1998, pp. 8-9.

Based on review of the evidence presented, the Board concludes that respondent was on duty at St. Francis Hospital and Medical Center, Hartford, Connecticut on June 2, 1998, while impaired by alcohol.

PARAGRAPHS 5 and 6 of the Statement of Charges alleges that on or about September 4, 1998, respondent entered into a Return to Work Agreement with St. Francis Hospital and Medical Center which required, in part, that he submit to random screens for drugs and/or alcohol. On or about October 7, 1998, respondent submitted to a random test for drugs and/or alcohol. The results of said test indicated a BAC of 0.012.

Respondent admitted these charges. Tr., November 4, 1998, pp. 8-9.

Based in its review of the evidence presented, the Board concludes that respondent was on duty at St. Francis Hospital and Medical Center on October 7, 1998, while he had alcohol in his system.

The Board further concludes that respondent's testimony as to when he drank is not credible. The Board concludes that respondent's testimony does not correspond to reported blood alcohol content levels in toxicology screens.

The General Statutes of Connecticut §20-99 provides in relevant part:

(a) The Board of Examiners for Nursing shall have jurisdiction to hear all charges of conduct which fails to conform to the accepted standards of the nursing profession brought against persons licensed to practice nursing. After holding a hearing . . . said board, if it finds such person to be guilty, may revoke or suspend his or her license or take any of the actions set forth in section 19a-17 . . . (b) Conduct which fails to conform to the accepted standards of the nursing profession includes, but is not limited to, the following: . . . (2) illegal conduct, incompetence or negligence in performing usual nursing functions . . . (5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals. . . .

Based on its findings, the Board concludes that respondent's conduct as alleged in Paragraphs 2, 3, 4, 5 and 6 of the Statement of Charges is proven by a preponderance of the evidence presented. The Board further concludes that said conduct constitutes violations of the General Statutes of Connecticut §§20-99(b)(2) and 20-99(b)(5). Therefore, respondent's license is subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.

In determining appropriate sanctions in this matter the Board may consider, in addition to the charges upon which there is a finding of guilt, any evidence presented during the hearing which is relevant to

respondent's ability to practice nursing in accordance with the accepted standards of the nursing profession.

The Board concludes based on respondent's testimony as well as the testimony of an evaluating psychologist that respondent is in denial and has no insight into his alcohol abuse problems. The Board further concludes respondent lacks motivation for necessary alcohol abuse treatment.

***Order***

Pursuant to its authority under §19a-17 and §20-99 of the General Statutes of Connecticut, the Board of Examiners for Nursing hereby orders the following:

1. That for Paragraphs 2, 3, 4, 5, and 6 of the Statement of Charges, respondent's registered nurse license, No. E53219, is revoked effective the date this Memorandum of Decision is signed by the Board of Examiners for Nursing.

The Board of Examiners for Nursing hereby informs respondent, Jesse Matthews, Jr. and the Department of Public Health of the State of Connecticut of this decision.

Dated at Wethersfield, Connecticut this 7th day of April 1999.

BOARD OF EXAMINERS FOR NURSING

By

